

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Cr No. 17-965 JB
)	
vs.)	
)	
KIRBY CLEVELAND,)	
)	
Defendant.)	

MOTION TO DISMISS COUNTS 2-4 and COUNTS 6-8 OF THE INDICTMENT

The United States moves the Court to dismiss counts 2-4, and counts 6-8 of the indictment filed in the above-styled cause, and as grounds therefore states as follows:

On December 12, 2019, Defendant entered a guilty plea to an Information filed in this cause, charging a violation of 18 U.S.C. § 1153 and 1111, that being, Second Degree Murder. Docs. 162, 165, 167. The plea agreement provides that the United States will move to dismiss the indictment following sentencing. Doc. 165 at 9. Moreover, counts one and five were dismissed by this Court on November 21, 2018. Doc. 114.

Counsel for defendant concur in the filing of this motion.

WHEREFORE, the United States requests that this motion be granted and that the Court dismiss counts 2-4, and counts 6-8 of the indictment as to this defendant.

Respectfully submitted,

FRED J. FEDERICI
United States Attorney

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I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to defense counsel.

/s/
JOSEPH M. SPINDLE
Assistant United States Attorney